

**CHAPTER 30**

**(Senate Bill 25)**

AN ACT concerning

**Disabled Individuals – Definition**

FOR the purpose of repealing certain terms defining disabled individuals; removing certain terms which may be grounds for guardianship; and generally relating to the definition of disabled individuals.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 13-201(c)(1) and 13-705(b)

Annotated Code of Maryland

(1974 Volume and 1990 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 20-107(a)

Annotated Code of Maryland

(1990 Replacement Volume and 1990 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Estates and Trusts**

13-201.

(c) A guardian shall be appointed if the court determines that

(1) The person is unable to manage his property and affairs effectively because of physical or mental disability, [senility, or other mental weakness,] disease, habitual drunkenness, addiction to drugs, imprisonment, compulsory hospitalization, confinement, detention by a foreign power, or disappearance, and

13-705.

(b) A guardian of the person shall be appointed if the court determines from clear and convincing evidence that a person lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person, including provisions for health care, food, clothing, or shelter, because of any mental disability, [senility, other mental weakness,] disease, habitual drunkenness, or addiction to drugs, and that no less restrictive form of intervention is available which is consistent with the person's welfare and safety.